

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION

In re:

Charmaine Williams
2029 S. 66th Street
Philadelphia, PA 19142

Case No.: 19-10862-mdc
Chapter 13

**DEL COAST PROPERTIES, LCC'S RESPONSE TO
DEBTOR'S OBJECTION TO CLAIM NO. 3-1**

SECURED CREDITOR, Del Coast Properties, LLC (hereinafter referred to as "SECURED CREDITOR"), by and through its undersigned attorney, hereby files this response to Debtor's Objection to Proof of Claim No. 3-1 (**DE #23**) and states as follows:

1. On or about February 11, 2019, Debtor filed a Voluntary Petition under Chapter 13 of the Bankruptcy Code.
2. On or About March 25, 2019 Secured Creditor filed its Proof of Claim (**Claim No. 3-1**).
3. On or about June 27, 2019, Debtor filed its Objection to Claim No. 3 of Del Coast Properties, LLC. (**DE #23**) stating that the Claim did not included or credit the payments made on the following dates:

| | |
|---------------------|------------|
| • February 2, 2018 | \$280.11 |
| • February 23, 2018 | \$280.11 |
| • March 2, 2018 | \$280.11 |
| • March 16, 2018 | \$280.11 |
| • March 30, 2018 | \$280.11 |
| • October 27, 2018 | \$2,433.33 |
| • December 26, 2018 | \$280.11 |
4. Any refunds or deductions that are made are directly indicated on the Proof of Claim OR subtracted from the corresponding entry, prior to the corresponding entry being entered on the Proof of Claim (**Claim No. 3-1**). Attached hereto and incorporated herein as Exhibit "A" is the Affidavit of Secured Creditor attesting to the computation of the charges on the subject Proof of Claim (**Claim No. 3-1**).
5. Secured Creditor has not received all of the payments as indicated by Debtor. The following were the payments received on the disputed dates (see Exhibit A, Affidavit of Secured Creditor):

- February 2, 2018 \$200.00 (payment applied)
- February 23, 2018 \$280.11 (payment applied)
- March 2, 2018 \$280.11 (payment applied)
- March 16, 2018 \$280.11 (payment applied)
- March 30, 2018 \$280.11 (payment applied)
- October 27, 2018 \$2,433.33 (payment NOT received)
- December 26, 2018 \$280.11 (payment NOT received)

6. As of August 1, 2019, the total amount due and owing by Debtor to Secured Creditor is \$12,124.46, itemized as follows:

- Principal \$132.74
- Interest \$225.48
- Escrow \$0.00
- Other \$1.00

Regular Payment Amount

- Total Fees and Charges \$5,254.06
- Past Unpaid Amounts \$6,511.18

7. Debtor states in her Objection that she has provided counsel for Secured Creditor with proof of the alleged payments, however this allegation is unsupported. All that was attached with Debtor's Objection was Secured Creditor's own Proof of Claim.
8. The Debtor objection should be denied as it is vague and unsupported, and further because all payments that have been made have been credited and applied to Debtor's account.

WHEREFORE, PREMISES CONSIDERED, Secured Creditor prays that this Honorable Court deny Debtor's Objection to Secured Creditor's claim (**DE # 23**), together with such further relief and this Honorable Court deems Secured Creditor is entitled.

I HEREBY CERTIFY that a true and correct copy of the foregoing was provided via electronic and/or Regular U.S. Mail to the parties listed on the attached service list, on August 27, 2019.

I HEREBY CERTIFY that I am admitted to the Bar of the United States Bankruptcy Court for the Eastern District of Pennsylvania, and I am in compliance with the additional qualifications to practice in this Court set forth in the Local Rules.

Date: September 11, 2019

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Attorneys for Secured Creditor

By: /s/ Jennie C. Shnayder
Jennie C. Shnayder, Esq.
PA Bar ID# 315213

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th Day of September, 2019, I served a copy of the foregoing by regular U.S. Mail or the Court's CM/ECF system to the following parties listed on the below service list:

SERVICE LIST

Charmaine Williams
2029 S. 66th Street
Philadelphia, PA 19142

BRAD J. SADEK
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Attorneys for Debtor

Trustee
WILLIAM C. MILLER, Esq.
Chapter 13 Trustee
P.O. Box 1229
Philadelphia, PA 19105

U.S. Trustee

United States Trustee
Office of the U.S. Trustee
200 Chestnut Street
Suite 502
Philadelphia, PA 19106

Date: September 11, 2019

By: /s/ Jennie C. Shnayder
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Attorneys for Secured Creditor

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

In re:

**Charmaine Williams
4049 S. 66th Street
Philadelphia, PA 19142**

**Case No.: 19-10862-mdc
Chapter 13**

**AFFIDAVIT IN SUPPORT OF DEL COAST PROPERTIES, LLC'S RESPONSE TO
DEBTOR'S OBJECTION TO CLAIM NO. 3-1**

I, M. James Stermer declare:

1. I am over the age of eighteen years of age and am presently employed at Del Coast Properties, LLC. I am making this affidavit regarding the loan described below (the "Loan"). I am making this Affidavit in connection with and in support of the Response to Debtor's Objection to Claim No. 3-1 (DE # 23).
2. In this position, my responsibilities include ascertaining and verifying amounts due and payable as to delinquent bankruptcy accounts.
3. The facts stated in this affidavit are based upon records maintained in the ordinary course of Del Coast Properties, LLC's business, as part of regular conducted business activity, by or from information transmitted by person(s) with knowledge of the events described therein, at or near the time of the event described. These records are Del Coast Properties, LLC's own records. I have personal knowledge of the procedures by which these records were prepared and kept.
4. The Debtor contends that payments were made and not credited to Debtor's account on the following dates:

- February 2, 2018 \$280.11

| | |
|---------------------|------------|
| February 23, 2018 | \$280.11 |
| • March 2, 2018 | \$280.11 |
| • March 16, 2018 | \$280.11 |
| • March 30, 2018 | \$280.11 |
| • October 27, 2018 | \$2,433.33 |
| • December 26, 2018 | \$280.11 |

5. According to Del Coast Properties, LLC's books and records, Debtor did make some payments to Secured Creditor, but not all those aforementioned.


6. According to Del Coast Properties, LLC's books and records, the following payments were made and applied to Debtor's account:

| | |
|---------------------|--|
| • February 2, 2018 | \$180.11 (payment applied to 8/30/2017) |
| • February 2, 2018 | \$100.00 (payment applied to 9/15/2017) |
| • February 23, 2018 | \$280.11 (payment applied to 9/30/2017) |
| • March 2, 2018 | \$280.11 (payment applied to 11/15/2017) |
| • March 16, 2018 | \$280.11 (payment applied to 11/30/2017) |
| • March 30, 2018 | \$280.11 (payment applied to 12/15/2017) |

7. The payments for October 27, 2018 and December 26, 2018 were never received.

8. I declare under penalty of perjury that the foregoing facts are true and correct based on personal knowledge derived from Movant's books and business records, as I have detailed heretofore. Madison Management Services, LLC, Movant's loan servicer, utilizes a shared platform with the Movant to obtain information about the loan including, but not limited to, amounts due and owing.

FUTHER AFFIANT SAYETH NOT.


M. James Stermer (Name)
Pres. Serv. (Title)
and Authorized Agent for
Del Coast Properties, LLC

THE FOREGOING INSTRUMENT WAS SWORN TO AND SUBSCRIBED before me personally this 11th day of September 2019 by Michael Stermer (Name).

President (Title) and Authorized Agent on behalf of Del Coast Properties, LLC, who is, **(CHECK ONLY ONE:)** PERSONALLY KNOWN TO ME, OR PRODUCED Driver License (Type of ID Produced) **AS IDENTIFICATION TO ME IN TESTIMONY WHEREOF.** I have hereunto subscribed my name and affixed my seal of office the day and year last above written.

Deanna R Lail
NOTARY PUBLIC

(Seal)

My Commission Expires:

